

Committee on Resources,

Subcommittee on National Parks, Recreation, & Public Lands

[parks](#) - - Rep. Joel Hefley, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6207 - - (202) 226-7736

Witness Statement

**STATEMENT OF DENIS P. GALVIN, ACTING DIRECTOR, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS,
RECREATION, AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON RESOURCES
CONCERNING H.R. 980, TO ESTABLISH MOCCASIN BEND NATIONAL HISTORIC SITE IN
THE STATE OF TENNESSEE AS A UNIT OF THE NATIONAL PARK SYSTEM
JUNE 12, 2001**

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 980, which would establish the Moccasin Bend National Historic Site in Chattanooga, Tennessee as a unit of the National Park System.

The Department recommends that the Committee defer action on H.R. 980 during this session of Congress so that the National Park Service is able to make further progress on the President's Initiative to eliminate the deferred maintenance backlog. In order to focus staff and resources on existing national park units and other types of designated areas, the Department will not support new designations at this time. We will reevaluate our progress on fulfilling this commitment during the second session of the 107th Congress.

Furthermore, even without our policy regarding designations of new units, the Department does not support H.R. 980 in its current form. We believe that if a national historic site is to be established at Moccasin Bend, it should be done so in accordance with the preferred alternative presented in the National Park Service's *Cooperative Management Plan/Environmental Assessment* for Moccasin Bend. That document, which served as a special resource study of the area, supports establishing the area as a unit of the National Park System only if current incompatible uses of the area are removed so that the National Park Service has the ability to ensure the long-term protection of the resources and to accommodate public use. H.R. 980 as introduced does not adequately address incompatible uses at Moccasin Bend.

H.R. 980 would establish the Moccasin Bend National Historic Site comprised of most of the area that has been designated the Moccasin Bend Archeological District National Historic Landmark. It would also include a portion of the Federal Road between Ross Landing and Browns Ferry that was part of the "Trail of Tears" traveled by the Cherokee Indians during their removal from their ancestral lands to Oklahoma during 1838 and 1839, and that was used during the Civil War by the Union Army to break the Confederate siege of Chattanooga. And, it would include a small private parcel known as the Serodino and Klimsch property.

The State of Tennessee and local authorities own most of the land within Moccasin Bend, although there are some private holdings in the area. H.R. 980 would authorize the land within the proposed boundary of the national historic site to be acquired by donation, exchange, or purchase from willing sellers. It specifically provides that the Secretary may not accept a donation of the parcel containing the Moccasin Bend Mental Health Institute—one of two major incompatible uses at Moccasin Bend—until after the facility is no longer used to provide health care services. H.R. 980 excludes from the boundary of the national historic site the

part of the Archeological District that is currently leased for a golf course—the other major incompatible use—and it prohibits the Secretary of the Interior from proposing that the golf course area be included in the boundary until it is no longer used as a public or municipal golf course.

In addition, H.R. 980 provides authority for the Secretary to enter into cooperative agreements with other parties for the preservation, development, interpretation, and use of the historic site, and allows the Secretary to use a portion of the visitor center established for the historic site as an additional interpretive center for the Trail of Tears National Historic Trail.

Mr. Chairman, efforts to include Moccasin Bend in the National Park System date back to 1950, when Congress, at the recommendation of Interior Secretary Oscar L. Chapman, enacted legislation that authorized by donation the addition of 1,400 acres of Moccasin Bend to the Chickamauga and Chattanooga National Military Park. At that time, Moccasin Bend was devoid of incompatible development. State, county, and city governments acquired property, but did not transfer any of the land to the National Park Service. Instead, much of the land was made available for other purposes.

Since then, Moccasin Bend has been recognized for its nationally significant cultural resources in addition to its scenic values that were the basis for the 1950 legislation. Surrounded on three sides by the Tennessee River, Moccasin Bend possesses a special collection of continuous prehistoric and historic sites that chronicle important aspects of human history on the North American continent, including (1) transitional Paleo-Archaic and Archaic sites, (2) woodland period settlement sites and burial mounds, (3) fortified proto-historic villages, (4) Spanish exploration and settlement of the southeastern United States, (5) contact between native and nonnative peoples, (6) part of the Trail of Tears National Historic Trail, and (7) the location of Union earthworks, such as cannon emplacements, rifle pits, bivouac pads, and access roads, which were of strategic importance in breaking the Confederate siege of Chattanooga in the fall of 1863.

The site was listed on the National Register of Historic Places in 1984, and a 956-acre area was designated as the Moccasin Bend Archeological District National Historic Landmark in 1986.

In 1998 and 1999, at the direction of Congress, the NPS prepared the *Cooperative Management Plan/Environmental Assessment* for Moccasin Bend in accordance with guidelines for special resource studies. This process followed other Moccasin Bend planning efforts in the 1990's, including a Chattanooga citizen involvement planning process called "Revision 2000," and a battlefield preservation plan for Civil War resources within the national historic landmark prepared by the Friends of Moccasin Bend National Park. The study was called a cooperative management plan to emphasize the close working relationships that had developed among local, regional, state, federal, and tribal governments as well as the extensive public participation involved in the effort. As is standard procedure for special resource studies, this study examined the national significance, suitability, and feasibility of adding this site to the National Park System.

The determination of national significance had already been established through the designation of the Moccasin Bend Archeological District National Historic Landmark in 1986 because of its significance to American Indian and U.S. military history. According to the study, the area has the best intact concentration of archeological resources known to exist in the entire main 650-mile Tennessee River valley, and the quality, diversity, and broad accessibility of these resources cannot be matched in any other American metropolitan area. The study also found that the extant earthworks of the Battle of Chattanooga within the archeological district are the best preserved of all physical remnants of that battle and the only recognized unit of Union army gun emplacements, trenches, and support areas remaining extant from that costly

campaign.

The study also found that the Moccasin Bend Archeological District met the test of suitability for a unit of the National Park System, in that it represented a theme or resource that is not already adequately represented in the National Park System nor is comparably represented and protected for public enjoyment by another land-managing entity. Although American Indian archeological sites are represented in the National Park System, none of the designated units possess the extensive range of excavated archeological resources as well as unexcavated subsurface resources for which Moccasin Bend is significant. The length of continuous cultural occupation at Moccasin Bend—10,000 years—is not duplicated anywhere else within the National Park System.

With respect to the test of feasibility, however, the study found that certain conditions needed to be met for the area to be considered feasible as a new unit of the National Park System. To be feasible for inclusion, an area's natural systems and/or historic settings must be of sufficient size and appropriate configuration to ensure long-term protection of the resources and to accommodate public use, and it must have potential for efficient administration at reasonable cost. The study found that unless the incompatible uses within the Moccasin Bend Archeological District were removed and the land was restored to resemble the way it looked at the time of the 1950 legislation, the area would not be feasible as a unit of the National Park System. Those uses need to be removed in order to provide visitors a quality experience in a landscape reminiscent of its past, comprehensively protect archeological resources and provide for additional research opportunities, and attract tourists to visit Moccasin Bend in large numbers.

This does not mean that the restoration of the area would need to occur before the site could be established. The study offers a phasing plan that provides for an orderly and timely removal of uses and restoration of the cultural landscape, calling for the National Park Service to receive the land in four phases over ten years. This may be an ambitious plan because of the complex issues surrounding the mental health institute, the golf course, and funding for land acquisition and restoration of the cultural landscape. It may be more reasonable to complete land acquisition by 2015 or some other mutually agreed-upon timetable. These provisions are extremely important in ensuring the integrity of the site. So long as any of the 956 acres remain under the jurisdiction of entities that do not have resource preservation as a primary goal, there is always the risk that future management actions could damage or destroy subsurface cultural resources.

For these reasons, we would not support establishing a national historic site at Moccasin Bend without substantial revisions to H.R. 980. Most importantly, the Moccasin Bend Golf Course, which contains vital archeological resources and is a key part of the national historic landmark, should be included in the boundary, along with a reasonable date (preferably 2010) by which the golf course would be transferred to the Secretary of the Interior.

Second, the legislation should require the State to donate to the Secretary of the Interior the Moccasin Bend Mental Health Institute no later than 2015, or some other mutually agreed-upon date. In both cases, we believe that by including deadlines in the legislation, the State and city would hasten efforts to seek alternative locations for these facilities.

Third, the legislation should provide a timetable for the removal of other incompatible uses within the national historic site, including a model airplane flying facility and a law-enforcement firearms training range, along with the removal of any hazardous waste, and the restoration of the land base to resemble the area's 1950 appearance, at no cost to the Federal government.

Fourth, the legislation should contain language that requires the National Park Service to consult with the culturally affiliated Federally recognized Tribes on any interpretation of the site.

Mr. Chairman, Moccasin Bend is a very significant national resource that has the potential, if certain conditions are met, to be an important addition to the National Park System. If the time comes when the Department is no longer asking Congress to defer action on legislation designating new units of the National Park System, we would be pleased to work with the committee to develop legislation that establishes the Moccasin Bend National Historic Site in accordance with the provisions outlined above.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

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